

LYNCHBURG CITY COUNCIL  
Agenda Item Summary

MEETING DATE: <b>April 11, 2006</b>		AGENDA ITEM NO.: 3
CONSENT:	REGULAR: <b>X</b>	CLOSED SESSION:
ACTION: <b>X</b>	INFORMATION:	(Confidential)
<u>ITEM TITLE:</u> <b>CONDITIONAL USE PERMIT (CUP): Cluster Commercial Development, 3311 Old Forest Road</b>		

RECOMMENDATION: Approval of the requested conditional use permit petition.

SUMMARY: Glenn White & Associates is petitioning to allow construction of a Cluster Commercial Development (CCD) that would permit the sale of office condominiums. CCD's are intended to provide for flexibility in the planning of certain tracts through the modification of certain lot, setback and use restrictions. The petitioner requires a cluster commercial development to meet lot and setback requirements to allow office buildings to be re-built and added to current building footprints from a previous development as well as to permit the sale of office condominiums without the required street frontage and lot dimension. The Planning Commission recommended approval of the conditional use permit because:

- Petition agrees with the Comprehensive Plan which recommends an Office use in this area.
- Petition agrees with the Zoning Ordinance in that a Cluster Commercial Development is permitted in a B-3, Community Business District, with approval of a CUP from City Council.
- The petition proposes the demolition of a previously damaged building, construction of a new two-story building and the expansion on an existing single story building; the new development will include nine thousand, seven hundred twelve (9,712) square feet of office space. Common use parking will also be provided for the entire development.

PRIOR ACTION(S):

March 22, 2006: Planning Division recommended approval of the conditional use permit. Planning Commission recommended approval (7-0) with the following conditions:

1. Property will be developed in substantial compliance with the Conditional Use Permit Plan for 3311 Old Forest Road, received by Community Planning & Development on March 16, 2006.
2. Shade trees will be provided at the end caps of each parking row, within the existing planting and mulch areas. Location, size and type of trees will be subject to the review of the City Planner and Urban Forester.
3. All lighting will be glare-shielded and non-directional so as to prevent illumination across the property line.

FISCAL IMPACT: N/A

CONTACT(S):  
Tom Martin/ 455-3909

ATTACHMENT(S):  
• Resolution

- PC Report
- PC Minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Site Plan
- Speaker Sign-Up sheet

REVIEWED BY: lkp

## ORDINANCE

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT TO GLENN WHITE & ASSOCIATES FOR USE OF THE PROPERTY AT 3311 OLD FOREST ROAD TO CONSTRUCT A CLUSTER COMMERCIAL DEVELOPMENT, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Glenn White & Associates for a Conditional Use Permit at 3311 Old Forest Road to construct a cluster commercial development be, and the same is hereby, approved, subject to the following conditions:

1. Property will be developed in substantial compliance with the Conditional Use Permit Plan for 3311 Old Forest Road, received by Community Planning & Development on March 16, 2006.
2. Shade trees will be provided at the end caps of each parking row, within the existing planting and mulch areas. Location, size and type of trees will be subject to the review of the City Planner and Urban Forester.
3. All lighting will be glare-shielded and non-directional so as to prevent illumination across the property line.

Adopted:

Certified:

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Clerk of Council

034L

The Department of Community Planning & Development  
City Hall, Lynchburg, VA 24504 434-455-3900

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To: Planning Commission  
From: Planning Division  
Date: March 22, 2006  
Re: CONDITIONAL USE PERMIT (CUP): Cluster Commercial Development, 3311 Old Forest Road.

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I. PETITIONER

Glenn White and Associates, P.O. Box 246, Forest, VA 24551

Representative: Glenn D. White, Glenn White and Associates, P.O. Box 246, Forest, VA 24551

II. LOCATION

The subject property is a tract of approximately fifty-six hundredths (0.56) of an acre located at 3311 Old Forest Road.

Property Owner: Glenn White and Associates, P.O. Box 246, Forest, VA 24551

III. PURPOSE

The purpose of this petition is to allow construction of a Cluster Commercial Development (CCD) that would permit the sale of office condominiums. CCD's are intended to provide for flexibility in the planning of certain tracts through the modification of certain lot, setback and use restrictions. The petitioner requires a cluster commercial development to meet lot and setback requirements to allow office buildings to be re-built and added to current building footprints from a previous development as well as to permit the sale of office condominiums without the required street frontage and lot dimension.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which recommends an Office use in this area.
- Petition agrees with the Zoning Ordinance in that a Cluster Commercial Development is permitted in a B-3, Community Business District, with approval of a CUP from City Council.
- The petition proposes the demolition of a previously damaged building, construction of a new two-story building and the expansion on an existing single story building; the new development will include nine thousand, seven hundred twelve (9,712) square feet of office space. Common use parking will also be provided for the entire development.

The Planning Division recommends approval of the conditional use permit petition.

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V. FINDINGS OF FACT

1. Comprehensive Plan. The Lynchburg *Comprehensive Plan* recommends an Office use in this area. Office uses are intended for small-scale office buildings with floor plans not exceeding twenty thousand (20,000) square feet and buildings not exceeding four stories.
2. Zoning. The subject property was annexed into the City in 1976. The existing B-3, Community Business District zoning was established in 1978 with the adoption of the *Zoning Ordinance*.
3. Board of Zoning Appeals (BZA). The Zoning Official has determined that no variances will be needed for the proposed rezoning.
4. Surrounding Area. There have been several items requiring City Council approval in the immediate area:
  - 6/9/1998: City Council approved Atlantic Star Communications' petition to rezone approximately one half (1/2) acre from B-3, Community Business District, to B-5c, General

Business District (conditional), to allow the construction of a radio transmission tower at 3305 Old Forest Road.

- 1/9/1996: City Council approved Sylvia Hobson's CUP petition to amend a previously approved child care facility CUP to allow forty-five (45) children per shift to a maximum of sixty (60) children per shift at 3208 Forest Brook Road.
- 4/12/1994: City Council approved Clyde and Beth Bondurant's CUP petition to operate a child care facility for thirty five (35) children within an existing house at 3208 Forest Brook Road.
- 12/8/1992: City Council approved Donald Ozmar's CUP petition to operate a dance club in an existing twelve hundred (1200) seat building and allow for a parking expansion for one hundred ninety-four (194) cars at 3217 Old Forest Road.
- 6/13/1989: City Council approved Creeper Crawler Cribbery's CUP petition to allow the construction of an additional building, play area and parking at 3601 Old Forest Road and 104 King Drive.
- 2/12/1980: City Council approved L.B. Wimmer's CUP petition to allow operation of the Family Amusement Center in Forest Plaza West Shopping Center at 3225 Old Forest Road.

5. Site Description. The subject property includes two (2) existing buildings (one (1) previously damaged by fire) and associated parking. The site is bounded to the north by apartments, to the east and south east by commercial businesses, to the south and southwest by corporate offices (Framatome) and to the northwest by a commercial automobile dealership (Lynchburg Mitsubishi).
6. Proposed Use of Property. The purpose of the conditional use permit is to allow construction of a Cluster Commercial Development (CCD) that would permit the sale of office condominiums. The petition proposes the demolition of a previously damaged building, construction of a new two-story building and the expansion on an existing single story building; the new development will include nine thousand, seven hundred twelve (9,712) square feet of office space. The buildings will be bricked and have maintenance-free exterior. Operations of the property such as trash collection, snow removal, basic cleaning of common areas and landscape management will be contracted through the Condominium Association. The Condominium By-Laws & Restrictions will identify and insure the future maintenance, management and concept of this property.

Cluster Commercial Developments are intended to provide for flexibility in the planning of certain tracts through the modification of certain lot, setback and use restrictions. Developments under these regulations should provide for increased amenity, safety and other public and private benefits, as well as reduced public and private costs. These districts are also generally characterized by a unified or planned clustering of development served by a common parking area with common means of ingress and egress. The petitioner requires a cluster commercial development to meet lot and setback requirements to allow office buildings to be re-built and added to current building footprints from a previous development as well as to permit the sale of office condominiums without the required street frontage and lot dimension.

Common use parking will be provided for the entire development. The petitioner proposes to replace the existing pine trees at the corner of the property with shade trees. In addition, the petitioner will also add shade trees within the parking area and along the perimeter of the property; foundation plantings will be added around the new units. Sidewalks are provided to all common areas.

7. Traffic and Parking. The City's Traffic Engineer had no comments of concern regarding traffic from the proposed development.

Parking requirements for the proposed development are set based on offices for business, banking, professional and similar uses as defined by Chapter 35.1-25 of the City's Zoning Ordinance. This use requires one (1) parking space per three hundred (300) square feet of floor

area; the proposed nine thousand, seven hundred twelve (9,712) square feet of office space of office space will require thirty-three (33) parking spaces. The site plan indicates that thirty-seven (37) parking spaces will be provided for the development, thus meeting the requirement of City Code.

8. Storm Water Management. New impervious areas will not exceed one thousand (1,000) square feet; as such, a stormwater management plan will not be required for the construction. Though not required, the proposed foundation plantings and parking lot landscaping will provide new low maintenance greenspace which will result in slightly less runoff an improved stormwater quality benefit from the site.
9. Emergency Services. The City's Fire Marshal had no comments on the Conditional Use Permit application for the proposed development.

The City Police Department had no comments on the proposed development.

10. Impact. The petition proposes the demolition of a previously damaged building, construction of a new two-story building and the expansion on an existing single story building; the new development will provide a combined nine thousand, seven hundred twelve (9,712) square feet of office space. The design and layout of the buildings are acceptable to the Planning Division.

The petitioner proposes to significantly improve the amenities and aesthetics of the current site in accordance with the intent of the Cluster Commercial Development. The site plan indicates that the existing pine trees at the corner of the property will be replaced with shade trees. In addition, the petitioner will also add shade trees within the parking area and along the perimeter of the property; foundation plantings will be added around the new units. Sidewalks are provided to all common areas of the site.

New impervious areas will not exceed one thousand (1,000) square feet; as such, a stormwater management plan will not be required for the construction. Though not required, the proposed foundation plantings and parking lot landscaping will provide new low maintenance greenspace which will result in slightly less runoff an improved stormwater quality benefit from the site.

11. Technical Review Committee. The Technical Review Committee (TRC) reviewed the preliminary site plan on February 28, 2006. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

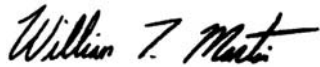
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## VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Glenn White & Associates' petition for a Conditional Use Permit (CUP) at 3311 Old Forest Road to allow construction of a Cluster Commercial Development (CCD) that would permit the sale of office condominiums, subject to the following conditions:

1. Property will be developed in substantial compliance with the Conditional Use Permit Plan for 3311 Old Forest Road, received by Community Planning & Development on March 16, 2006.
2. Shade trees will be provided at the end caps of each parking row, within the existing planting and mulch areas. Location, size and type of trees will be subject to the review of the City Planner and Urban Forester.
3. All lighting will be glare-shielded and non-directional so as to prevent illumination across the property line.

This matter is respectfully offered for your consideration.



William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Mr. J. Lee Newland, Director of Engineering  
Capt. Michael L. Thomas, Fire Marshal  
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau  
Capt. Todd Swisher, Lynchburg Police Department North Division  
Capt. J.P. Stokes, Lynchburg Police Department East Division  
Capt. Al Thomas, Lynchburg Police Department South Division  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner  
Mr. Keith Wright, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Mrs. Erin B. Hawkins, Environmental Planner  
Mr. Glenn D. White, Glenn White and Associates

#### VII. ATTACHMENTS

1. Vicinity Zoning Pattern  
(see attached map)
2. Vicinity Proposed Land Use  
(see attached map)
3. Site Plan  
(see attached site plans)
4. Project Narrative and Building Elevations  
(see attached narrative)

Petition of Glenn D. White for a conditional use permit at 3311 Old Forest Road to allow the construction of a Cluster Commercial Development (CCD) that would permit the sale of office condominiums.

Mr. Martin explained to the Commission that the existing building on the proposed site, which at some point had been damaged by fire, would be demolished. He said this proposed Cluster Commercial Development (CCD) would consist of a new two-story building, an expansion of a single-story building at the rear of the property, and would contain approximately 9,712 square feet of office space. Mr. Martin added that the approval of the CCD would allow the sale of individual office units and a reduction of lot size and set back requirements. He said the petition was in compliance with the City's Comprehensive Plan (Comp Plan) and Future Land Use Map (FLUM), which recommended an office use for the subject property. He pointed out that the proposed building elevations showed an improvement to the property. Mr. Martin told the Commission that the Planning Division recommended approval of the Conditional Use Permit petition and noted that the area was mostly impervious. He added that the petitioner was incorporating landscaping into the proposed development, which would help address stormwater concerns.

Mr. Glenn D. White, owner of the property, addressed the Commission. Mr. White said that Mr. Martin had done a good job at reviewing the petition and that the literature included in their package had a lot of information. He added that his father had owned the property for thirty-(30) years and pointed out the tremendous site value of the property traveling in either direction on Old Forest Road. He said in order to show off the site, he and his father decided to build more than just a basic building. He said if the units were offered for purchase the owner would be in a better position to have funds available for landscaping, better design and nicer features which might not be possible if the units were rented to tenants.

Commissioner Worthington commented that this was a terrific plan. He asked if any of the units had been sold yet.

Mr. White responded that none of the units had been sold yet and noted that he had probably received between ten and fifteen calls from potential buyers requesting more information. He said each unit would have five or six parking spaces adjacent to their entrance.

Commissioner Sale asked if Mr. White's landscape plan had been referenced to the proposed Landscape Ordinance.

Mr. Martin said this landscape plan would come close to the proposed ordinance. He said it would probably not meet all of the standards, but it could with some additional plantings. He said since this petition was submitted prior to the adoption of the Ordinance, the petitioner would not be subject to the new guidelines.

Mr. White said when condos were being offered for sale, landscaping and curb appeal were very important. He said you could have a lesser-designed building with better landscaping, and told the Commission that they had increased the amount of landscaping from what was required by the City. He added that the signage for all of the units would be uniform.

After further discussion, Commissioner Worthington made the following motion, which was seconded by Commissioner Barnes and passed by the following vote:

"That the Planning Commission recommends to City Council approval of Glenn White & Associates' petition for a Conditional Use Permit (CUP) at 3311 Old Forest Road to allow



construction of a Cluster Commercial Development (CCD) that would permit the sale of office condominiums, subject to the following conditions:



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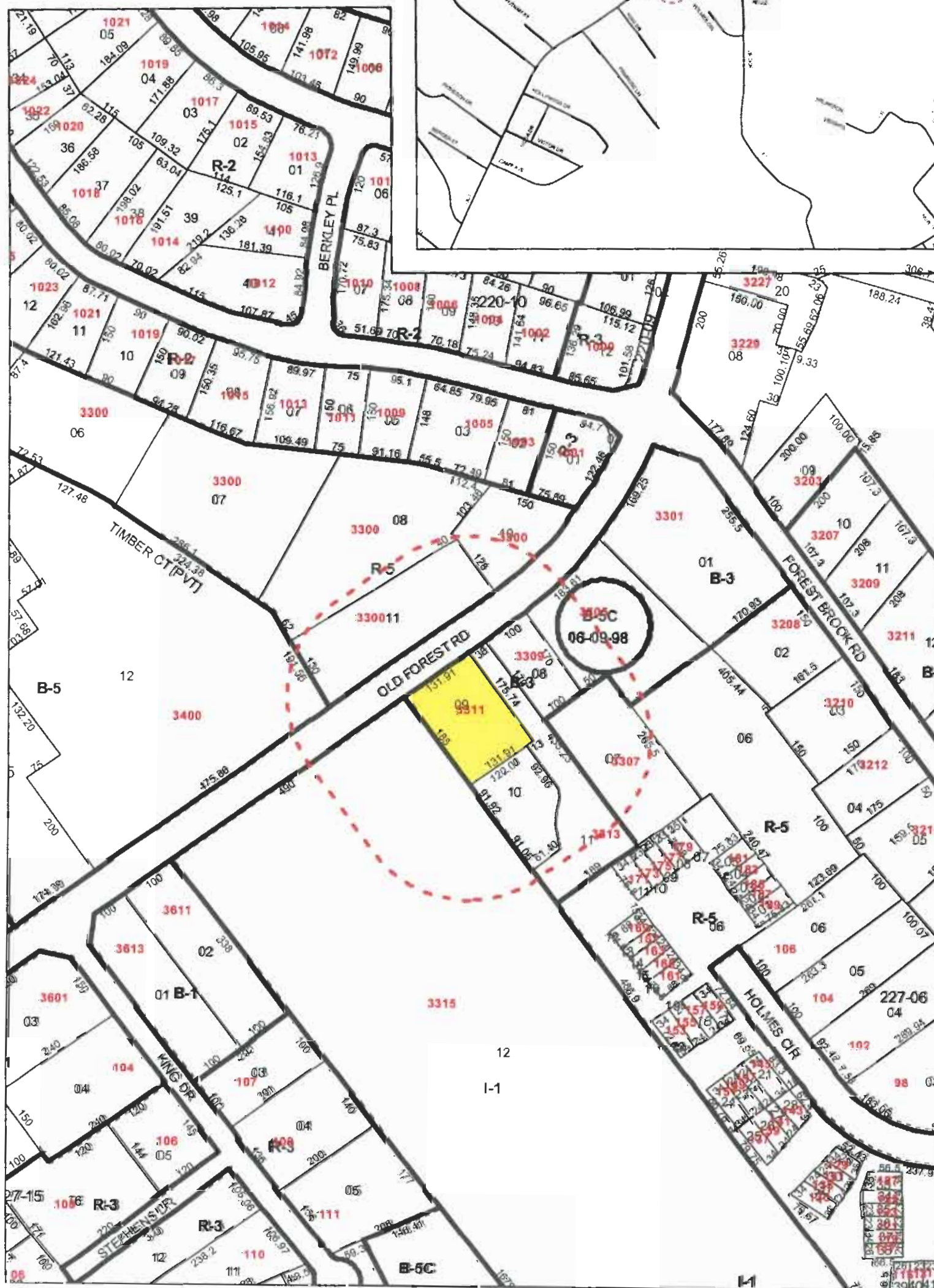
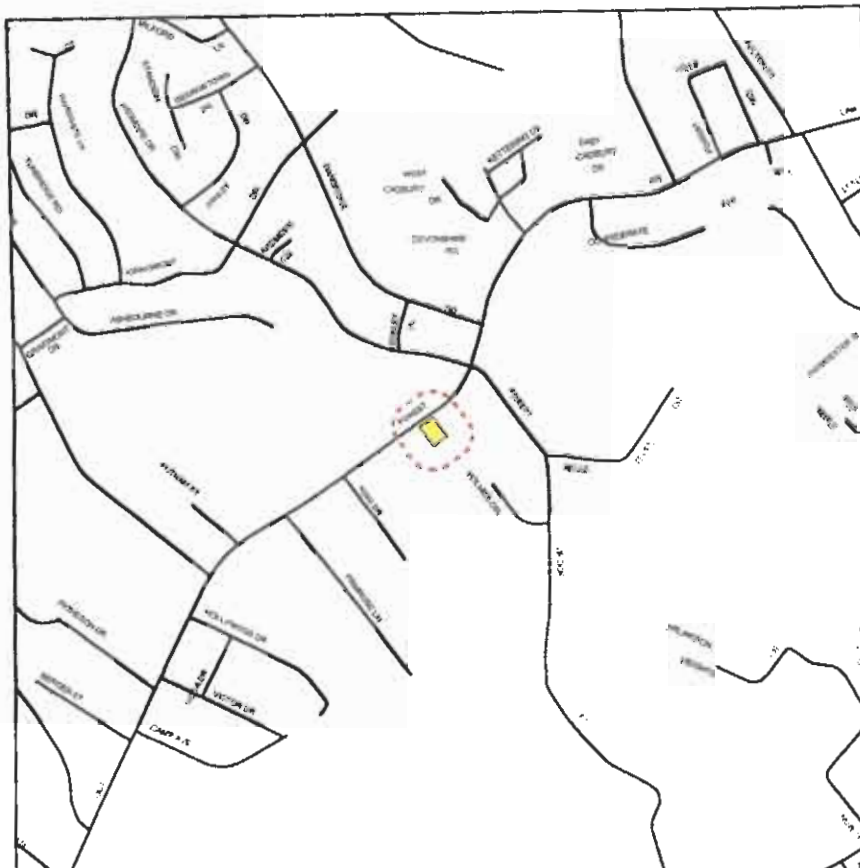
AYES:	Bacon, Barnes, Flint, Hamilton, Oglesby, Sale, Worthington	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

CLUSTER COMMERCIAL DEVELOPMENT FOR OFFICE CONDOMINIUMS  
Map # 220-18-009  
Conditional Use Permit Request  
Petitioner: Glen White Associates, Inc.

MAP PREPARED BY  
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



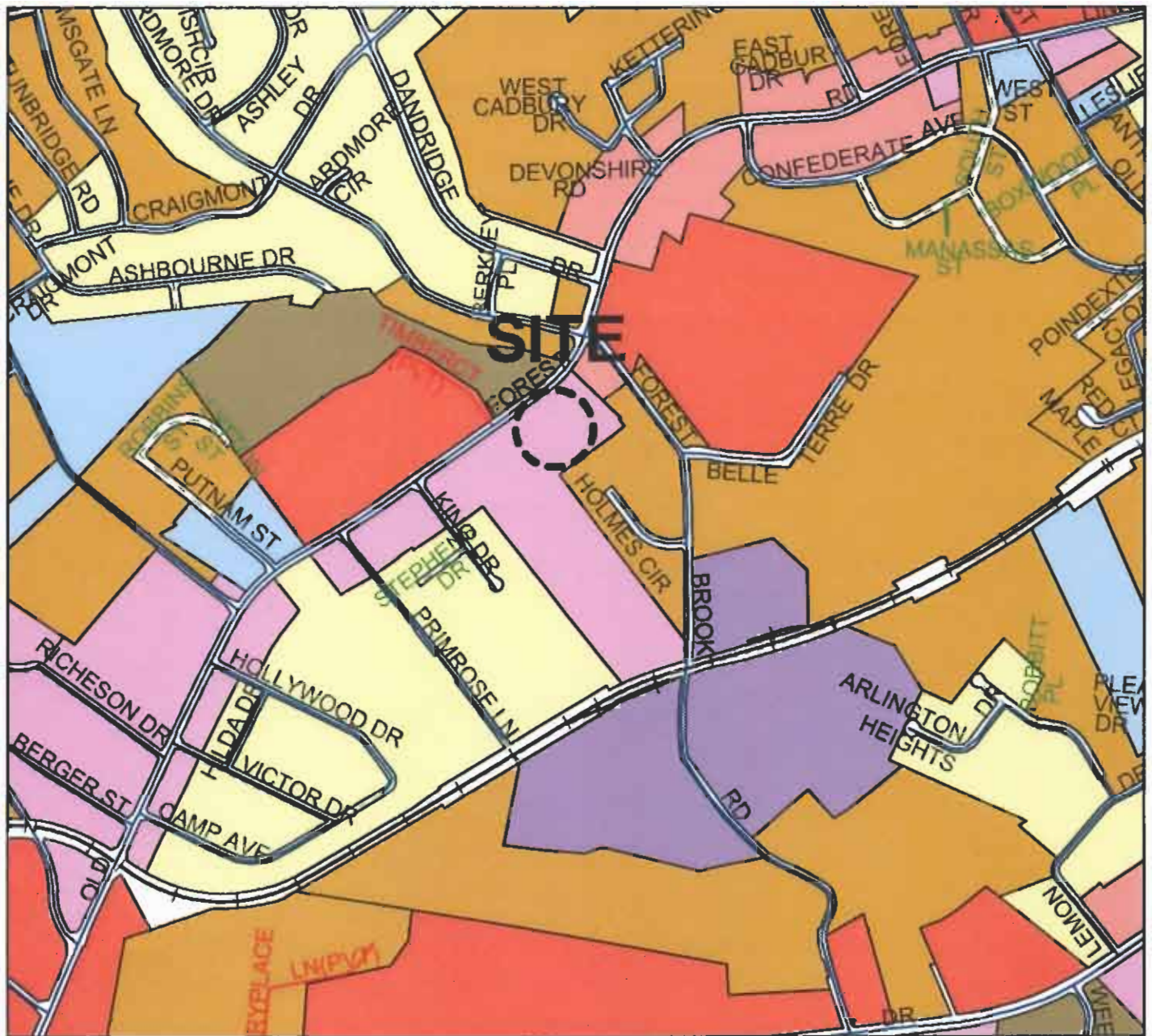
 Subject Property  
 200 ft Radius



GLENN WHITE OFFICE COMDOMINIUMS  
3311 Old Forest Road

PIN	OWNER
22016006	ATLANTIC STAR COMMUNICATIONS INC
22016011	BOSIGER BARRY W
22016007	BOSIGER BARRY W
22015008	COLONIAL REALTY GROUP LLC
22016008	FIRST NATIONAL BANK OF ALTAVISTA
22016012	FRAMATOME TECHNOLOGIES INC
22016009	GLEN WHITE ASSOCIATES INC
22015012	OLD FOREST ROAD DEVELOPERS LLC
22016010	STERN ROBERT M & GEORGIA M





# **GLEN WHITE OFFICE CONDOMINIUMS #3311 OLD FOREST ROAD LAND USE PLAN**



BARY W. BOSIGER  
22016007  
ZONED R5  
APARTMENT COMPLEX

YELLOW SUBMARINE  
ZONED B-3

S. 56 50' W. 133 58'

EXISTING RESTAURANT AND CURRENT OFFICE OF GLEN WHITE & ASSOCIATES INC.

THE EXISTING PARKING, LOCATION OF BUILDINGS, AND LANDSCAPE AREA WILL REMAIN THE SAME.

RENOVATION OF THE BUILDINGS WILL INCLUDE THE EXPANSION OF THE CURRENT OFFICE FROM 2660 S.F. TO 3476 S.F. THE 3195 S.F. RESTAURANT WILL BE DEMOLISHED TO THE FOUNDATION AND A TWO STORY BUILDING WILL BE CONSTRUCTED IN THE SAME FOOTPRINT.

EROSION & SEDIMENT CONTROL  
RENOVATION OF THIS PROPERTY WILL NOT DISTURB A LAND AREA GREATER THAN 1000 S.F. THE REAR BUILDING WILL BE EXPANDED ON THE WEST SIDE AND WILL REPLACE THE EXISTING PARKING AREA AND WILL NOT CREATE ANY ADDITIONAL IMPERVIOUS AREA.

STORM WATER MANAGEMENT  
PRE AND POST DEVELOPMENT  
STORM WATER QUANTITY, QUALITY AND DOWN STREAM RECEIVING CHANNELS WILL REMAIN THE SAME.

RENOVATION OF THIS PROPERTY DOES NOT INCLUDE ANY GRADING OR EXCAVATION.

THIS PROPERTY DOES NOT FALL WITHIN THE BOUNDARIES OF THE 100-YEAR FLOODPLAIN.

NOTE:  
IN THE EVENT A FOUNDATION SLAB IS REMOVED A SILT FENCE WILL BE INSTALLED AND MAINTAINED AROUND FOOTPRINT OF THE BUILDING. THE PARKING AND OTHER AREAS WILL NOT BE DISTURBED.

FRAMATOME  
22016012  
I-1 ZONING

#### LANDSCAPE SCHEDULE

LIRIOPE

JAPANESE YEW

WARTY BARBERRY

HELLER HOLLY

GOLDEN RAINTREE (5)  
(KOELREUTERIA PANICULATA)

KWANZAN CHERRY (8)  
(PRUNUS SERRULATA 'KWANZAN')

ALL TREES WILL HAVE A MINIMUM SIZE OF 1 1/2" CALIPER AT INSTALLATION

NOTE:  
LANDSCAPING TO BE COORDINATED  
WITH CITY HORTICULTURIST  
5 % REQUIRED 1,235 S.F.  
15.2 % PROVIDED 3,774 S.F.

#### SIGNS

NOTE: THE CURRENT CLAYTON'S SIGN AND PEDESTAL WILL BE REMOVED.  
NEW SIGNS: ONE FOR EACH CONDOMINIUM UNIT WILL BE DEFINED AS 30" X 60" TO BE PLACED ON THE FRONT AND SIDE ELEVATIONS OF THE BUILDINGS ACCORDING TO CITY AND CONDOMINIUM ASSOCIATION REQUIREMENTS.

#### SITE DATA

GENERAL STANDARDS / CLUSTER DEVELOPMENT  
MINIMUM AVERAGE LOT AREA 6000 SF  
MAXIMUM COVERAGE (ALL BUILDINGS) = 75%  
MAXIMUM FLOOR AREA RATIO = 75%

#### LAND AREA

BUILDING A FIRST FLOOR	3195
BUILDING B	3600
SIDEWALKS	1,139
PARKING LOT	13,004
LANDSCAPE & GRASS	3774

TOTAL SITE AREA S.F. 24,712

#### INTERIOR S.F. AREA

BUILDING (A)	
FIRST FLOOR	2997
STAIRS & UTILITY	121
SEC. FLOOR	2997
STAIRS & UTILITY	121
BUILDING (B)	3476
TOTAL	9712

#### PARKING

REQUIRED 1 SPACE PER 300 SF. / OFFICE AREA  
REQUIRED SPACES 32.3  
REQUIRED H.C. 2

TOTAL PARKING SPACES PROVIDED 37

#### UTILITIES

WATER & SEWER SYSTEMS  
EXISTING SYSTEMS WILL BE USED

Petitioner:

GLENN D. WHITE  
PO BOX 246 FOREST VA. 24551

434-384-4646 OFFICE  
434-384-1669 FAX

#### SITE PLAN

3311 OLD FOREST ROAD

RIGHT-OF-WAY 60'

APARTMENT COMPLEX  
ZONED R-5

COLONIAL REALTY  
22015011

RE

## **Proposed Office Condominium**



**Building (A)**

# **3311 Old Forest Road**

Lynchburg, Virginia

Designed for today's professional with high traffic exposure, individual signage, private entrance, custom designed office interior and all the benefits of ownership

For Sale:  
Office Units 800-1600 Sq. Ft.

**Glenn D. White**

PO Box 246

Forest, VA 24551

434.384.4646 - Office



The property is located between Framatome Technologies and First National Bank of Altavista. The traffic on Old Forest Road is estimated at 20,000 cars per day. This is one of the main arteries from the Linkhorne & Boonsboro areas to the Airport, River Ridge Mall and State Rt. 29 and Rt. 501.



Business neighbors of this property consist of Restaurants, Banks, Automobile Dealers, Shopping Centers, Framatome Technologies and a high density of Town Homes and Apartments within a two-mile radius



First Floor: Two 1600 Sq. Ft. Offices  
Second Floor: Three 800-1200 Sq. Ft. Offices

### **Building (B)**

One Floor: Three 1200 Sq. Ft. Office Units



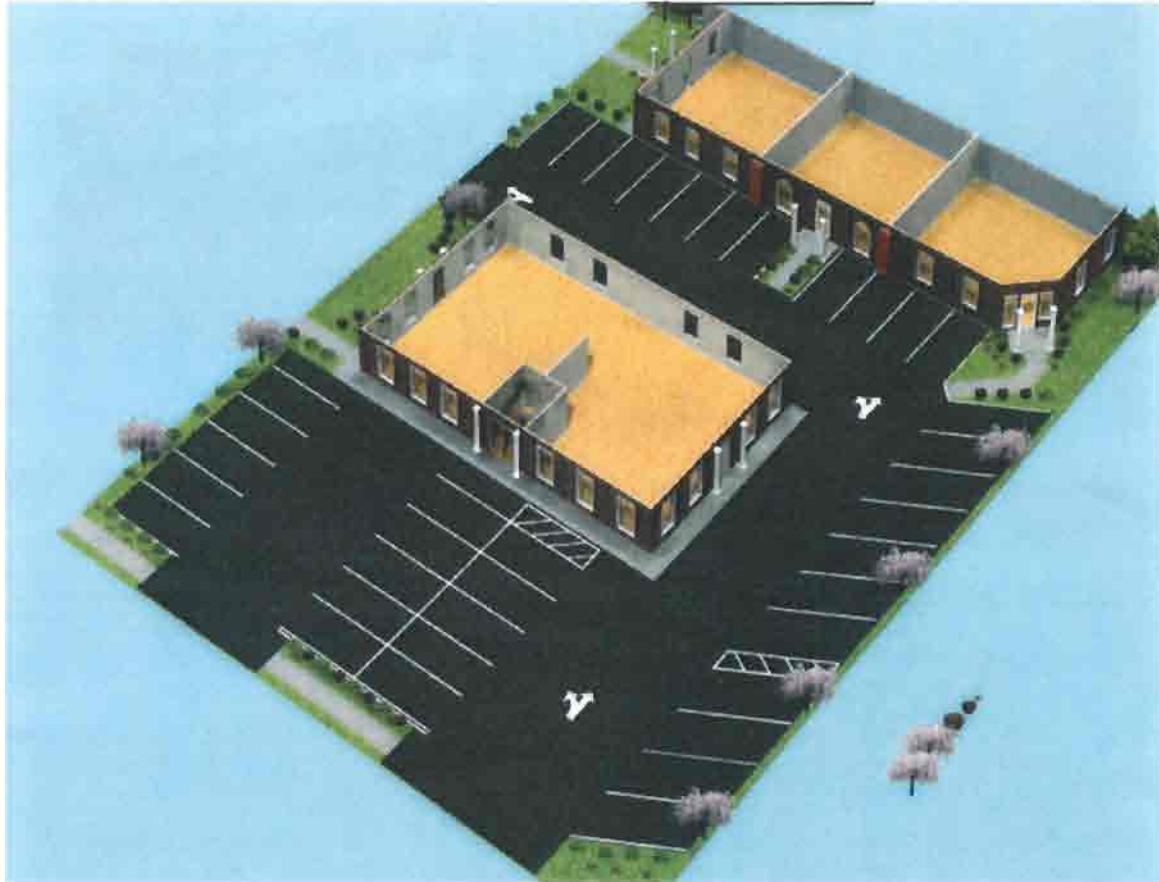
The interior of the offices will be custom designed for your business and have a budget for completion.



The City's Land Use Map designates the property for "Office" use. By allowing Cluster Commercial Development and the Restrictions of Condominium By-Laws, every aspect of the property is managed. The Condominium will allow a business the benefits of ownership in a location, and style of building otherwise not feasible on an individual basis.



The Office Condominium will consist of two buildings and common grounds. Many units will have a private entrance with professionally designed landscaping. The parking is designated for the owners and has additional common area spaces for your guests. Your individual business sign will be located on the building near your entrance with a high visibility from Old Forest Road.



The buildings will be bricked and have maintenance-free exterior. Operations of the property such as; trash collection, snow removal, basic cleaning of common areas and landscape management will be contracted through the Condominium Association. The Condominium By-Laws & Restrictions will identify and insure the future maintenance, management and concept of this property.